

REMARKS

Claims 1 through 27 are pending.

Claims 1 through 19 have been amended by this Amendment.

Claims 1 through 27 have been rejected.

Discussion of Objections to the Drawings

Examiner has objected to the drawings as not showing every feature of the invention specified in the claims. Applicant respectfully traverses the objection.

37 CFR § 1.83 (a) states the following:

The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box).

Applicant believes the drawings fully comply with the requirements of 37 CFR § 1.83 (a).

For example, claim 1 sets out a proprietary information utility computing system that comprises an interface, a repository, application services, a security system, and a billing system. Each of these elements is illustrated in the Figures. For example, the interface is illustrated by interface exchange system 21, shown in Figure 2. The repository is illustrated by proprietary information library 27, shown in Figure 2. The application services are illustrated by application service 28, application service 29, and application service 30, shown in Figure

2. The security system is illustrated by security system 22, shown in Figure 2. The billing system is illustrated by billing system 23, shown in Figure 2.

Examiner has cited some specific examples of claimed features Examiner believes are not found in the drawings. Applicant herein below points to where these features appear in the drawings.

For example, decision support software and planning services are listed in claim 4. Decision support software and planning services are application services and are illustrated by application service 28, application service 29, and application service 30, shown in Figure 2.

Claim 5 refers to health records. Health records are a type of proprietary information and are represented in Figure 2 by proprietary information library 27.

Claim 6 lists decision support models as a type of proprietary information. Proprietary information is represented in Figure 2 by proprietary information library 27.

Claim 7 lists neural networks and influence diagrams as types of proprietary information. Proprietary information is represented in Figure 2 by proprietary information library 27.

Claim 8 describes functionality of the interface set out in claim 1. The interface is illustrated by interface exchange system 21, shown in Figure 2.

Examiner has suggested that wireless networks and cellular phones are features of the claimed invention. This is incorrect. Claim 8 does not claim wireless networks and cellular phones as part of the claimed invention. Rather,

claim 8 only sets out *an interface that allows users to connect* to the proprietary information utility computing system.

A wireless network or a cellular phone are only types of deployment channels that can be used by a user to connect to the proprietary information utility computing system. The claimed feature of the invention, set out in claim 8, is an interface that allows users to connect to the utility computing system using a deployment channel, such as a wireless network or a cellular phone. Such an interface is illustrated by interface exchange system 21, shown in Figure 2.

Possible deployment channels by which a user can connect to the proprietary information utility computing system include a wireless network or a cellular phone. However, a wireless network or a cellular phone is not part of the proprietary information utility computing system set out in claim 1. Since a wireless network or a cellular phone is not part of the proprietary information utility computing system (which is the claimed invention), a wireless network or a cellular phone are not features of the invention.

Applicant notes, however, that deployment channels are represented by network 10 shown in Figure 2. Network 10 represents any type of network or link (e.g., a wireless network or a cellular phone) on which information is transferred.

Discussion of the rejection based on 35 U.S.C. § 101

Examiner has rejected claims 1 through 27 under 35 U.S.C. § 101.

Applicant has amended the claims to remove any possible ambiguity as to whether the claimed subject matter satisfies the requirements of 35 U.S.C. § 101.

For example, claim 1 sets out a proprietary information utility computing system. Applicant notes that computing systems are widely recognized as useful machines within the statutory subject matter covered by 35 U.S.C. § 101.

Claim 19 sets out a method implemented by a computing system. It is clear that claim 19 does not set out merely an abstract idea and is tied to a machine that produces a concrete, useful and tangible result. For example, claim 19 indicates the computing system tracks usage of users of the proprietary information utility for billing purposes. This is a concrete, useful and tangible result performed by a machine.

Discussion of the rejection based on the first paragraph of 35 U.S.C. § 112

Examiner has rejected claims 1 through 27 under 35 U.S.C. § 112, first paragraph. Applicant respectfully traverses the rejection. The first paragraph of 35 U.S.C. § 112 requires that the specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The present Application has fully complied with 35 U.S.C. § 112, first paragraph. Applicant below addresses the specific points raised by Examiner.

Examiner has asserted that the Specification does not include a description of what an interface is and how the interface actually performs the functions claimed. This is incorrect. For example, Figure 2 shows proprietary information utility 11 including an interface exchange system 21. The functionality of interface exchange system 21 is described in the Specification at page 11, lines 15 through 23.

Within the description of interface exchange system 21 in the Specification, well known communications technology, such as cellular phones, wireless networks and internet sites, are referenced. As information on all these technologies is readily available to persons of ordinary skill in the art, Applicant did not feel it necessary to include a lot of technical details on interfaces to these technologies. Under 35 U.S.C. § 112, a specification need not teach that which is obvious to those in the art. *In re Surea, Kremer, and Dupre*, 373 F.2d 1002, 153 U.S.P.Q. 66, 70 (C.C.P.A. 1967).

Further, interfaces to entities like cellular phones, wireless networks and internet sites are discussed in pertinent standards documents that can include hundreds or even thousands of pages. Applicant believes inclusion of such readily available material into a patent application would violate the requirement in 35 U.S.C. § 112, first paragraph that the written description be concise.

Applicant believes that the level of implementation detail given in the Specification is appropriate to the technology level to which the invention pertains. The invention pertains to a proprietary information utility computing system. While, for example, the proprietary information utility computing system can interface with existing technology such as wireless networks, cellular phones and internet sites, the exact implementation details of how wireless networks, cellular phones and internet sites are implemented or how a proprietary information utility computing system interfaces with existing technology such as wireless networks, cellular phones and internet sites would be well known to persons of ordinary skill in the art and so has been omitted from the patent application.

Examiner has asserted that claims 3, 4, 6, 7, 8, 9, 14 and 24 provide a list of technologies. Examiner has asserted that other than listing them by name, the Specification does not elaborate or describe these technologies adequately in order to enable one skilled in the art to make and use the invention. Applicant respectfully disagrees with Examiner.

For example, claims 3, 4 and 9 lists application services that can run on a proprietary information utility computing system. Claims 6 and 7 list types of proprietary information that can be stored in a repository. Claim 8 lists types of deployment channels which can be used to interface with a proprietary information utility computing system. Claims 14 and 24 list types of pricing schemes that can be used by a billing system. Each of these items listed in

claims 3, 4, 6, 7, 8, 9, 14 and 24 are recognized by persons of ordinary skill in the art.

The application services listed in claims 3, 4 and 9 are representative of application services that are readily understood, built and used by persons skilled in the art to which they pertain.

Claims 6 and 7 list types of proprietary information that can be stored in a repository. In order to make and use the present invention, it would not be necessary for a person of ordinary skill in the art to personally implement all the technology listed in claims 6 and 7. To make and use the invention, it is only necessary to store and compartmentalize this technology within a repository. Applicant's specification supplies sufficient information that a person of ordinary skill in the art could store information in repository without undue experimentation. By way of analogy, Applicant notes that a librarian would be able to catalog and shelve books without knowing all the details of the plot of every fictional work that is being shelved.

Claims 14 and 24 list types of pricing schemes that can be used by a billing system. Implementation of such pricing schemes is within the ability of persons of ordinary skill in the art.

Claim 8 lists types of deployment channels that can be used to interface with a proprietary information utility computing system. All the deployment channels are recognizable by persons of ordinary skill in the art.

In this rejection, Examiner's argument seems to ignore the tremendous complexity of modern technology and the need to discuss ideas at different levels in order not to get bogged down in extraneous detail.

For example, many years and millions of man hours have been invested in developing modern processor chips. The technology required to design and build a modern processor chip is unfathomable. Very highly sophisticated computers are used by hundreds of engineers to design and develop the logic to be implemented by a single processor. Tremendously sophisticated and accurate processing machines are required to manufacture processors.

Yet, when computer architecture is the topic of discussion, a processor is often referenced as a box without including any details of design or manufacture of the processor. This is because computer architecture is also a highly sophisticated technology that requires very sophisticated interactions between components like processors, controllers, memory, bus systems, input/output devices and so on.

When networking between computers is the topic of discussion, computers are referred to as entire entities generally without supplying any details about the architecture of individual computers. This is because networking protocols and so on are also very complex to implement. In fact, discussion of networking between computers is so complex that such discussion is often broken down into layers, such as hardware layers and various software levels.

It would be impossible to discuss innovations in computer networking if every time a computer were mentioned, it were necessary to precisely describe all the details of the architecture of each of the computers involved. Imagine if it were also necessary to discuss all the implementation details of things like processors, memories, controllers, I/O devices, bus architectures and so on that are the building blocks of computer architecture.

Applicant's description of the present invention relies on layers of technological innovation, just as do most inventions currently evaluated by the USPTO. In describing Applicant's innovation, it is necessary to refer to underlying technology layers without giving exhaustive detail about how these underlying technologies are implemented.

As discussed above, Applicant believes that the level of implementation detail given in the Specification is appropriate to the technology level to which the invention pertains. To include, for example, complete implementation about each application service set out in claim 4 could take many thousands of pages and hundreds or thousands of Figures. This is unnecessary as this information is available elsewhere. Requiring such detail of underlying technological levels would put an undue burden not only on the Applicant but also on the examining corps of the USPTO.

Discussion of the rejection based on the second paragraph of 35 U.S.C. § 112

Examiner has rejected claim 7 under 35 U.S.C. § 112, second paragraph. Applicant has amended claim 7 to overcome the rejection. Specifically, Applicant has removed the term "are based on" from claim 7.

Discussion of the rejection based on 35 U.S.C. § 102

Examiner has rejected claims 1 through 27 under 35 U.S.C. § 102 (b) as being anticipated by the home page for Amazon.com (Amazon). Applicant has amended the claims. Applicant respectfully traverses the rejection as to the claims as amended.

Criteria for a rejection under 35 U.S.C. § 102

The criteria for a rejection under 35 U.S.C. § 102 has been clearly defined by the courts and confirmed by the U.S. Patent and Trademark Office. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Each and every element set forth in the claims is not found either expressly or inherently in Amazon. Based on this, Applicant is traversing the rejections of the claims.

Below, Applicant points out subject matter within each independent claim that is not disclosed by Amazon. On the basis of this, Applicant believes all the claims are patentable over Amazon.

Discussion of Independent Claim 1

Claim 1 sets out a proprietary information utility computing system. The proprietary information utility computing system includes a repository that contains proprietary information. The repository is compartmentalized by user identity and entitlement, so that a first category of proprietary information is within private domains available to only a single user and a second category of proprietary information is within domains to which multiple users may be granted use in response to acquiring a license to use particular proprietary information within the second category of proprietary information. This is not disclosed or suggested by Amazon.

Examiner has asserted that the second category of proprietary information is the same as public data available on amazon.com home page. This is incorrect. Specifically, claim 1 sets out that the second category is proprietary information that is within domains to which multiple users may be granted use in response to acquiring a license to use particular proprietary information within the second category of proprietary information.

Applicant notes that the “public” information disclosed by Amazon is not proprietary information and is not within domains to which multiple users may

be granted use in response to acquiring a license to use particular proprietary information.

Applicant notes that claim 1 sets out that the proprietary information utility computing system includes application services. Examiner has not suggested any equivalent within Amazon for the application services set out in claim 1.

Discussion of Independent Claim 19

Claim 19 sets out a method implemented by a computing system. Proprietary information is stored within a repository. The repository is compartmentalized by user identity and entitlement, so that a first category of proprietary information is within private domains available to only a single user and a second category of proprietary information is within domains to which multiple users may be granted use in response to acquiring a license to use particular proprietary information within the second category of proprietary information. This is not disclosed or suggested by Amazon.

Examiner has asserted that the second category of proprietary information is the same as public data available on amazon.com home page. This is incorrect. Specifically, claim 19 sets out that the second category is proprietary information that is within domains to which multiple users may be granted use in response to acquiring a license to use particular proprietary information within the second category of proprietary information.

Applicant notes that the "public" information disclosed by Amazon is not proprietary information and is not within domains to which multiple users may be granted use in response to acquiring a license to use particular proprietary information.

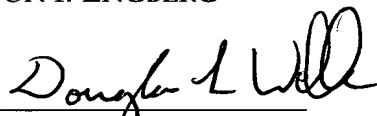
Applicant notes that claim 19 also sets out that the proprietary information to which each user is entitled is accessed through use of application services operating within the proprietary information utility. Examiner has not suggested any equivalent within Amazon for the application services set out in claim 19.

CONCLUSION

Applicant believes this Amendment has placed the present case in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,

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